

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 3171 - SB 3422

March 11, 2012

SUMMARY OF BILL: Authorizes a person to file for expungement of his or her public record involving a criminal offense, if at the time of filing, the person has never been convicted of any criminal offense, including federal offenses and offenses committed in other states, other than nonviolent offenses; the person has fulfilled all requirements of the sentence imposed by the court; at least 20 years have elapsed between the time the petitioner completed all requirements for the offense for which expungement is sought and the filing of the petition; and during the 20-year timeframe, the petitioner has not been convicted of any felony offense. Requires a person seeking expungement to petition the court in which the petitioner was convicted of the nonviolent offense for which the petition is filed. Defines nonviolent offense as an offense that does not have as an element the use, attempted use, or threatened use of physical force; is not a felony offense that by its nature involves a substantial risk that physical force will be used; does not involve the use of a firearm; and is not a sex offense that requires registration on the sex offender registry. If the court denies the petition, the petitioner may not file another such petition until at least three years from the date of denial. Requires a court to grant a petition if after 10-years of eligibility an eligible petitioner has not had a petition granted.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$4,900/One-Time
\$175,700/Recurring**

Assumptions:

- According to the Tennessee Bureau of Investigation (TBI), there were 646,643 non-violent offenses reported in 2011. TBI assumes 150,000 additional expungement requests each year as a result of this bill
- TBI will require five additional data processing operator positions to process the additional requests. Each data processing operator will have the ability to process 140 requests per day or 30,000 per year.
- An increase in state expenditures of \$175,675 reflects the salary (\$23,900), benefits (\$9,475), and other related supplies (\$1,760) for five additional positions.
- A one-time increase in expenditures of \$4,900 reflects office supplies (\$980) for each position.

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- Under current law, a defendant petitioning a court for expunction of records following successful completion of a diversion program is assessed a \$50 fee. According to the TBI, a fee cannot be charged for the expungements authorized by the proposed bill; therefore, no revenue is estimated.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc